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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,661	01/12/2004	Liesbeth M. Longueville	02-510	9307
719	7590	04/21/2006	EXAMINER	
CATERPILLAR INC. 100 N.E. ADAMS STREET PATENT DEPT. PEORIA, IL 616296490			BROWN, DREW J	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/755,661	LONGUEVILLE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Drew J. Brown	3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 January 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-13 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 6-13 is/are rejected.
- 7) Claim(s) 4 and 5 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 January 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/12/04 &amp; 3/18/04</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### *Claim Objections*

1. Claim 12 is objected to because of the following informalities: In line 6, “pivitally” should be changed to --pivotally--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6-8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Bryan (U.S. Pat. No. 5,612,718).

Bryan discloses a device for controlling selected functions of a machine, where the machine includes a seat (100) and at least one armrest (199) associated with the seat, wherein the at least one armrest has upper and lower surface portions and is supportably positionable adjacent to the seat (preamble given little patentable weight).

The device comprises an interface module (200) having a connecting portion (lower surface of interface module 200) and a working portion (top surface of interface module 200), wherein the interface module connecting portion is pivotally connectable (position 716 of Figure 31) to the at least one armrest and adapted to shift the working portion laterally between a retracted position (position 717 of Figure 31) and an extended position (position 715 of Figure 31) relative to the at least one armrest.

With respect to claim 6, the interface module includes a plurality of actuating devices (320) associated with respective machine functions (Figure 5), where the working portion (450) of the interface module includes an upwardly convex generally ovoid surface (Figure 6), wherein the plurality of actuating devices are arranged on the upwardly convex generally ovoid surface at respective locations selected to facilitate manual manipulation of the actuating devices.

With respect to claim 7, an interface connecting mechanism (549) is adapted to interconnect the interface module connecting portion and the at least one armrest.

With respect to claim 8, the interface module connecting mechanism includes a pivot pin (547) connectably engagable with the interface module connecting portion and the at least one armrest along an axis of rotation substantially perpendicular to the at least one armrest surface portions.

With respect to claim 11, the seat includes left-hand (198) and right-hand (199) armrests, each of the at least one armrests including an interface module having one of a left-hand (300) and right-hand (200) configuration determined in response to the respective left-hand and right-hand position of the associated armrest (Figure 31).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 6-10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al. (U.S. Pat. No. 5,617,929) in view of Palmeri et al. (U.S. Pat. No. 6,065,560).

With respect to claim 1, Richardson et al. discloses a device (10) for controlling selected functions of a machine (16), wherein the machine includes an operator's station (Figure 1) including a seat (12). An interface module (38) has a connecting portion (47) and a working portion (42), wherein the interface module is adapted to shift the working portion laterally between a retracted positions and an extended position relative to the at least one armrest (column 1, lines 57-64).

Richardson et al. does not disclose at least one armrest having upper and lower surface portions and being supportably positionable adjacent to the seat, wherein the interface module connecting portion is pivotally connectable to the at least one armrest. Palmeri et al., however,

does disclose at least one armrest having upper and lower surface portions and being supportably positionable adjacent to the seat (Figure 1), wherein the interface module connecting portion is pivotally connectable to the at least one armrest (via seat 12 of Richardson et al.). \

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Richardson et al. in view of the teachings of Palmeri et al. to have an armrest attached to the seat so the driver can rest his/her arm when the interface module is in the retracted position.

With respect to claim 2, wherein in the retracted position (Figure 2 of Richardson), the interface module working portion is at least partially concealed by the at least one armrest and in the extended position (Figure 1 of Richardson) the interface module working portion is substantially free from obstruction by the at least one armrest.

With respect to claim 3, Richardson et al. discloses that the interface module working portion moves laterally between the retracted and extended positions along a first plane extending generally horizontally (column 1, lines 57-64) below the at least one armrest lower surface portion and at an elevational position sufficient that the interface module working portion is at least partially located below the at least one armrest lower surface portion when the interface module working portion is in the retracted position (Figure 2).

With respect to claim 6, the interface module includes a plurality of actuating devices associated with the respective machine functions (Figure 4), wherein the plurality of actuating devices are arranged on a surface of the working surface at respective locations selected to facilitate manual manipulation of the actuating devices.

Although Richardson does not disclose that the working portion of the interface module includes an upwardly convex generally ovoid surface, the working portion (28) of the interface module (20) of Palmeri does have an upwardly convex, generally ovoid surface.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Richardson et al. in view of the teachings of Palmeri et al. to have the working portion of the interface module include an upwardly convex generally ovoid surface, since it has generally been recognized that changing the shape of an element while performing the same task equally well involves only routine skill in the art.

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With respect to claim 7, Richardson et al. discloses an interface module connecting mechanism (28) adapted to interconnect the interface module connecting portion and the at least one armrest (via seat 12).

With respect to claim 8, Richardson et al. discloses that the interface module connecting mechanism includes a pivot pin (34) connectably engageable with the interface module connecting portion and the at least one armrest along an axis of rotation substantially perpendicular to the at least one armrest surface portions.

With respect to claim 9, Richardson et al. discloses that the interface module connecting mechanism includes a linkage having a first end portion (36) connectable to the interface module connecting portion and a second end portion (32) connectable to the at least one armrest.

With respect to claim 10, Richardson et al. discloses that the linkage includes at least first (28) and second (30) link arms, wherein each of the first and second link arms are spaced apart one from the other (Figure 1) and have first end portions (36) pivotally connectable to the interface module connecting portion and second end portions (32) pivotally connectable to the at least one armrest.

With respect to claims 12 and 13, the apparatus in claims 1-3 and 6-10 meet the method limitations.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson et al. in view of Palmeri et al., and further in view of Klaassen (U.S. Pat. No. 4,478,308).

The combination of Richardson et al. and Palmeri et al. discloses the claimed invention as discussed above and that a right-hand armrest includes an interface module having a right-hand configuration determined in response to the respective right-hand position of the associated armrest.

However, the combination does not disclose the same for a left-hand armrest. Klaassen does disclose that both right and left-hand armrests with corresponding interface modules can be used in the same machine.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Richardson et al. in view of the

teachings of Klaassen to have a left-hand armrest and corresponding interface module in order to have more controls available to the driver.

***Allowable Subject Matter***

7. Claims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Swenson et al., Spiegelhoff, Leffler, and Hall et al. disclose similar pivotal connections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Drew J. Brown  
Examiner  
Art Unit 3616



DAVID R. DUNN  
PRIMARY EXAMINER

DJB  
4/18/06